

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

MICHAEL IGLEHART,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social
Security Administration**

Defendant.

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No. CIV-09-009-JHP-KEW

**ORDER AFFIRMING AND ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

On April 6, 2011, the United States Magistrate Judge entered a Report and Recommendation in regard to counsel's request for compensation pursuant to 42 U.S.C. §406(b)(1). The Magistrate Judge recommended counsel be compensated in the amount of \$7,640.00 in attorneys' fees to be paid directly to counsel from the past due benefits retained by the Commissioner. In addition, the Magistrate Judge recommended that Plaintiff's counsel not be required to refund the smaller amount between the EAJA fees already awarded and the §406(b) fees awarded because counsel did not receive the EAJA fee award.

There have been no objections to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a). Accordingly, this Court finds the Report and Recommendation of the Magistrate Judge is supported by the record.

Therefore, upon full consideration of the entire record and the issues presented herein, this Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on April 6, 2011, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS SO ORDERED this 29th day of August 2011.



James H. Payne
United States District Judge
Eastern District of Oklahoma